

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

DONALD HICKS,

Petitioner,

-vs-

MICHAEL SHEETS, Warden,

Respondent.

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Case No. 3:10-cv-064

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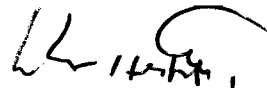
District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

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ORDER ADOPTING SUPPLEMENTAL REPORT AND RECOMMENDATIONS

The Court has reviewed the Supplemental Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 6), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 7, 2010, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition herein be dismissed with prejudice and Petitioner be denied leave to appeal in forma pauperis and any requested certificate of appealability. May 17, 2010.



Walter Herbert Rice
United States District Judge